

1 TREVOR J. HATFIELD, ESQ.
Nevada Bar No. 7373
2 **HATFIELD & ASSOCIATES, LTD.**
703 South Eighth Street
3 Las Vegas, Nevada 89101
4 (702) 388-4469 Tel.
(702) 386-9825 Fax
5 thatfield@hatfieldlawassociates.com

6 *Attorney for Plaintiff*

7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10
11 LUIS CERVANTEZ,
12 Plaintiff,
13 vs.
14 EDDIE SCOTT, et al.,
15 Defendants.

CASE NO: 2:17-cv-00562-MMD-CWH

**PLAINTIFF'S MOTION FOR AN
ORDER TO SCHEDULE A
TELEPHONE CONFERENCE WITH
PLAINTIFF'S COUNSEL**

16 COMES NOW, Plaintiff LUIS CERVANTEZ, by and through his counsel, the law firm of
17 Hatfield & Associates, Ltd., *pro bono publico* and files this Motion For an Order to Schedule a
18 Telephone Conference with Plaintiff's Counsel to prepare for video-taped Deposition scheduled for
19 April 29, 2019, at 10:00 AM. This motion is made and based upon the pleadings and papers on file
20 herein, and the Declaration of counsel.

21 Dated this 18th day of April 2019.

HATFIELD & ASSOCIATES, LTD.

22 By: /s/ Trevor J. Hatfield

23 Trevor J. Hatfield, Esq. (SBN 7373)
24 703 South Eighth Street
25 Las Vegas, Nevada 89101
26 (702) 388-4469 Tel.
27 *Attorneys for Plaintiff*
28

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I.

3 Plaintiff moves for an Order scheduling a telephone conference with Plaintiff's counsel.
4 Plaintiff has good cause for requesting a telephone conference with Plaintiff's counsel as he is
5 being deposed by Defendants' counsel on Monday, April 29, 2019, at 10:00 a.m. and finds it
6 necessary to prepare for the deposition prior to that date. (See Exhibit #1)
7

8 Plaintiff's Inmate number is 1095684.

9 Plaintiff requests an order for up to one (1) hour of telephone communication with his
10 counsel on one of the following dates and times to be determined:

11 April 23, 2019 - 11:00 AM to 12:00 Noon, 3:00 PM to 4:00 PM

12 April 24, 2019 - 11:00 AM to 12:00 Noon, 2:00 PM to 3:00 PM

13 April 25, 2019 - 11:00 AM to 12:00 Noon, 1:30 PM to 2:30 PM

14 April 26, 2019 - 11:00 AM to 12:00 Noon, 2:00 PM to 3:00 PM
15

16 The reason for this Motion is that Plaintiff's counsel was instructed by Dahn S. Puckett,
17 Administrative Assistant to Warden W.A. Gittere, Ely State Prison, to request an order from the
18 court scheduling the telephone conference. See Exhibit 1 of Declaration of Counsel attached.

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1 In addition to the above request for a telephone conference, Plaintiff's counsel requests
2 authority to conduct telephone conferences with Plaintiff up to once a week for up to one hour
3 between 9:00 AM and 4:00 PM for the duration of this case at a time to be determined that is
4 mutually convenient between the parties with Warden W.A. Gittere's approval.

5 Dated this 18th day of April 2019.

HATFIELD & ASSOCIATES, LTD.

By: /s/ Trevor J. Hatfield

Trevor J. Hatfield, Esq. (SBN 7373)

703 South Eighth Street

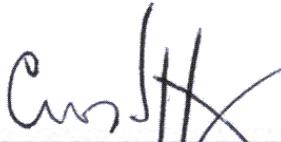
Las Vegas, Nevada 89101

(702) 388-4469 Tel.

Attorneys for Plaintiff

11 **IT IS SO ORDERED.**

12
13 **DATED: Apr 23, 2019**

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16 **C.W. HOFFMAN, JR.**

17 **UNITED STATES MAGISTRATE JUDGE**
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CERTIFICATE OF SERVICE

I certify that on the 18th day of April 2019, I electronically filed and served the foregoing PLAINTIFF'S MOTION TO SCHEDULE TELEPHONE CONFERENCE WITH PLAINTIFF'S COUNSEL with the Clerk of the Court by using the ECF system which served the parties hereto electronically.

Dated this 18th day of April 2019.

HATFIELD & ASSOCIATES, LTD.

By: /s/ Trevor J. Hatfield

Trevor J. Hatfield, Esq. (SBN 7373)

703 South Eighth Street

Las Vegas, Nevada 89101

(702) 388-4469 Tel.

Attorney for Plaintiff

EXHIBIT 1

EXHIBIT 1

1 LYSSA S. ANDERSON
Nevada Bar No. 5781
2 RYAN W. DANIELS
Nevada Bar No. 13094
3 KAEMPFER CROWELL
1980 Festival Plaza Drive, Suite 650
4 Las Vegas, Nevada 89135
Telephone: (702) 792-7000
5 Fax: (702) 796-7181
landerson@kcnvlaw.com
6 rdaniels@kcnvlaw.com

7 *Attorneys for Defendants Eddie Scott,*
8 *Kevin Patimeteeporn, and Timothy Dorion*

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 LUIS CERVANTEZ,

12 Plaintiff,

13 vs.

14 EDDIE SCOTT, P#15631, in his individual
and official capacities; KEVIN
15 PATIMETEEPORN, P#14529, in his
individual and official capacities; and
16 TIMOTHY DORION, P#14942, in his
individual and official capacities,

17 Defendant.

CASE NO.: 2:17-cv-00562-MMD-CWH

**NOTICE OF DEPOSITION OF
PLAINTIFF LUIS CERVANTEZ**

Date: April 29, 2019

Time: 10:00 a.m.

18
19 TO: Plaintiff, LUIS CERVANTEZ, and:

20 TO: ALL PARTIES OF INTEREST.

21 PLEASE TAKE NOTICE that Defendant, EDDIE SCOTT will take the deposition of
22 LUIS CERVANTEZ on the **29th day of April, 2019** at 10:00 a.m. via video conference at the
23 law office of Kaempfer Crowell, 1980 Festival Plaza Drive, Suite 650, Las Vegas, NV 89135,
24 under oath, upon oral examination, before a Notary Public or some other officer duly authorized

KAEMPFER CROWELL
1980 Festival Plaza Drive
Suite 650
Las Vegas, Nevada 89135

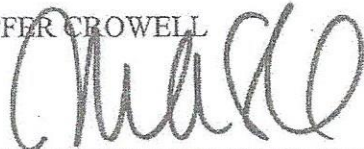
1 by law to administer an oath. Plaintiff will attend the examination via video conference from Ely
2 State Prison, Ely, Nevada.

3 Oral examination will continue from day to day until completed. You are invited to
4 attend and cross-examine.

5 DATED this 6th day of March, 2019.

6 KAEMPFFER CROWELL

7
8 BY:


9 LYSSA S. ANDERSON (Nevada Bar No. 5781)
RYAN W. DANIELS (Nevada Bar No. 13094)
1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135

*Attorneys for Defendants Eddie Scott,
Kevin Patimeteeporn, and Timothy Dorion*

12
13 **CERTIFICATE OF SERVICE**

14 I certify that service of the foregoing **NOTICE OF DEPOSITION OF PLAINTIFF**

15 **LUIS CERVANTEZ** was made this date by depositing a true copy of the same for mailing at
16 Clark County, Nevada, addressed to the following:

17 Trevor J. Hatfield, Esq.
HATFIELD & ASSOCIATES, LTD.
18 703 S. Eighth Street
Las Vegas, Nevada 89101
19 Telephone: (702) 388-4469
Facsimile: (702) 386-9825
20 Email: thatfield@hatfieldlawassociates.com

21 *Attorneys for Plaintiff*

22 DATED this 6th day of March, 2019.

23 /s/ Gina Muscari

24 _____
an employee of Kaempfer Crowell

1 TREVOR J. HATFIELD, ESQ
2 Nevada Bar No. 7373
3 HATFIELD & ASSOCIATES, LTD.
4 703 S. Eighth Street
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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 LUIS CERVANTEZ,
13 Plaintiff,
14 vs.
15 EDDIE SCOTT, et al.,
16 Defendants.

CASE NO: 2:17-cv-00562-MMD-CWH

17 **DECLARATION IN SUPPORT OF**
18 **PLAINTIFF'S MOTION FOR AN ORDER**
19 **TO SCHEDULE A TELEPHONE**
20 **CONFERENCE WITH PLAINTIFF'S**
21 **COUNSEL**

22 TREVOR J. HATFIELD provides this Declaration in support of Plaintiff's Motion For
23 an Order to Schedule a Telephone Conference and states the following:

- 24 1. I am a resident of the State of Nevada; I am over the age of 18; and I am competent
25 to testify to the matters set forth herein.
- 26 2. I have personal knowledge of the matters asserted herein except for those matters
27 stated upon information and belief, which I believe to be true.
- 28 3. I am the attorney for Plaintiff who is incarcerated in Ely State Prison, Ely, Nevada.
His Inmate number is #1095684
4. The deposition of Plaintiff has been scheduled to take place on Monday, April 29,
2019, at 10:00 a.m.

///

1 5. It is necessary for me to be able to speak with my client in preparation for his
2 deposition prior to the day of the deposition.

3 6. My Legal Assistant inquired from Dahn S. Puckett, Administrative Assistant to
4 Warden W.A. Gittere, Ely State Prison, as to how to schedule a telephone conference
5 with Plaintiff. Ms. Puckett's response was that they need a court order stating the
6 date and time for the call. (See Exhibit 1)
7

8 7. I declare under the penalty for perjury that the foregoing is true and correct.

9 FURTHER YOUR DECLARANT SAYETH NAUGHT.

10 Dated: April 18, 2019

/s/ Trevor J. Hatfield

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12 TREVOR J. HATFIELD
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EXHIBIT 1

EXHIBIT 1

Hatfield

LawAssociates.com

Freda Brazier <freda@hatfieldlawassociates.com>

Luis Cervantez - #1095684

2 messages

Freda Brazier <freda@hatfieldlawassociates.com>
To: dpuckett@doc.nv.gov

Wed, Apr 10, 2019 at 3:59 PM

Dear Dahn,

I am trying to schedule a telephone call between Attorney Trevor Hatfield and our client, Luis Cervantez. He is scheduled to be deposed via video conference on April 29th, at 10 AM, and Mr. Hatfield wishes to speak with him a few days prior to the deposition. Please contact me so I can do what is necessary to schedule the telephone call. Thank you in advance for your assistance.

Freda P. Brazier
Legal Assistant
HATFIELD & ASSOCIATES, LTD.
703 S. Eighth Street
Las Vegas, NV 89101
(702) 388-4469

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Dahn Puckett <dpuckett@doc.nv.gov>
To: freda@hatfieldlawassociates.com

Wed, Apr 10, 2019 at 4:13 PM

Ms. Brazier:

In order to set up a telephone conference call with inmate Cervantez, we need a court order.

The order needs to state the date and time for the call.

Dahn S. Puckett
AA to Warden W.A. Gittere
Ely State Prison
P.O. Box 1989
Ely, NV 89301
Phone: (775) 289-1201
dpuckett@doc.nv.gov

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From: Freda Brazier <freda@hatfieldlawassociates.com>

[Quoted text hidden] <jackett@doc.nv.gov>